

# The Los Angeles Bar Association **BULLETIN**

Official Publication of the Los Angeles Bar Association, Los Angeles, California

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DECEMBER 17, 1936  
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VOLUME 12, No. 5  
\$1 PER YEAR

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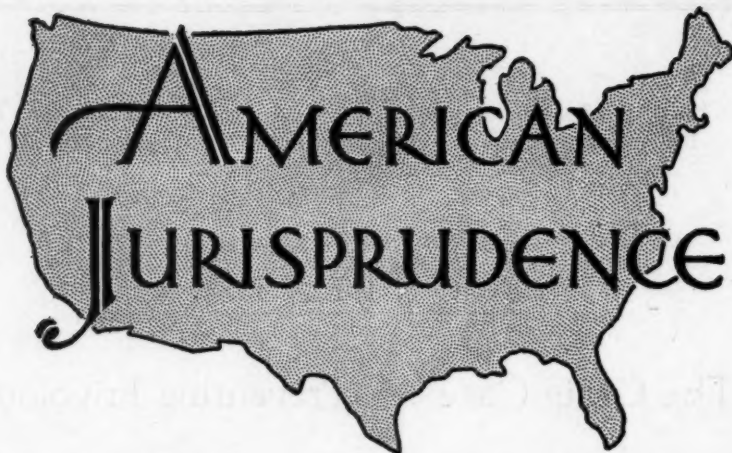
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## The Status of the Craig Case

ON October 30, 1936, the Supreme Court of California reversed the decision of the Superior Court for Los Angeles County in the case of *People v. Craig*, and held that a justice of the District Court of Appeal who has not resigned or been removed from office in the manner prescribed by the provisions of the Constitution, he is still entitled to hold office, notwithstanding his conviction of a felony. The proceeding in the Superior Court was a proceeding in *quo warranto*, brought by the Attorney General, based upon section 803 of the Code of Civil Procedure and subdivision 8 of section 996 of the Political Code, to declare Craig's office "vacant" and to oust him therefrom, following his conviction of a violation of section 88 of title 18 of the United States Code, in that, as the Supreme Court puts it, "he with certain other defendants therein [the indictment] named, did conspire to obstruct and impede the due administration of justice." (*People v. Craig*, 92 Cal. Dec. 561.)

At its regular meeting in November the Board of Governors of the State Bar, by resolution, directed that the record of Craig's conviction, which is now final, be filed with the Supreme Court of this state, and that the State Bar should request leave to appear as *amicus curiae* in the event the Supreme Court should grant a rehearing in the unsuccessful *quo warranto* proceeding. The Board also directed that appropriate action be taken to bring about Craig's removal by the Legislature at its forthcoming session, in the event he has not theretofore been removed, and that a constitutional amendment be sponsored by the State Bar "to provide for the removal of any judge of any court of this state upon conviction of a crime involving moral turpitude," so as to prevent a recurrence of the situation now existing.

The record of Judge Craig's conviction was filed with the Supreme Court on Wednesday, November 25, 1936, but has not yet been acted on by the Court, possibly because of its sessions in Los Angeles the following week. Section 287 of the Code of Civil Procedure provides that an attorney may be "removed or suspended" in the event of "his conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence." Section 299 of the same code provides that "when a judgment of conviction has become final the court shall order the attorney permanently disbarred." The Court has held that this provision of the Code is mandatory. *In re Riccardi*, 182 Cal. 675. In the event of Craig's disbarment, his status as a judge may be determined by the provisions of section 23 of Article VI of the Constitution, as construed by the Supreme Court in *People v. Leonard*, 73 Cal. 230, and in *Helwig v. Payne*, 197 Cal. 524.

On November 28, 1936, the Court made the following order in *People v. Craig*:

"By the Court: On its own motion, the court hereby vacates and sets aside the opinion and judgment heretofore rendered in the above entitled cause on October 30, 1936. Waste, C. J.; Shenk, J.; Seawell, J.; Edmonds, J.",

and as this report is written the matter rests at this point, no further order having been made by the court.

# Los Angeles Bar Association Bulletin

Official Publication of the Los Angeles Bar Association. Published the third Thursday of each month.  
Entered as second class matter August 8, 1930, at the Postoffice at Los Angeles,  
California, under the Act of March 3, 1879.

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VOL. 12

DECEMBER 17, 1936

No. 5

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## Political Bosses Menace to Government

"Invisible government" influence, and sometimes control, over law enforcement agencies constitutes a grave menace to the American system. In a recent address J. Edgar Hoover, Director of Federal Bureau of Investigation, said: "There is not a single law-enforcement agency in the United States which is not menaced in some degree by the efforts of political manipulation."

The Association of Grand Jurors of New York County, which publishes *The Panel*, for some time has urged the creation by legislative enactment of Special Inquiring Grand Juries with special prosecutors, to be impanelled annually. The four extraordinary grand juries impanelled by order of Governor Lehman of New York during the last twelve months are in line with this plan. In a special article appearing in *The Panel*, by Edward A. Alexander of the New York Bar, important suggestions for changes in the election laws are made, "so that politicians who threaten and obstruct criminal justice can be dealt with by the people themselves, and in certain cases through the powers of the Grand Jury itself."

"This invisible government," says Mr. Alexander's article, "which largely monopolizes nominations and appointments, is not controlled by law inasmuch as the political bosses are private citizens and not public officials. For this reason they are not regulated and restrained by law to an extent that the people have any real power over them."

The movement started by the Association of Grand Jurors of New York County for a change in methods of nominating judges has attracted attention throughout the country. Says *The Panel*: "On October 14, 1936, there appeared in the *New York Times*, an article with the headlines, 'Puppets on Bench Assailed at Mass,' in which Very Rev. Robert I. Gannon, president of Fordham University, declared in a sermon at the annual Red Mass for lawyers at St. Andrew's Roman Catholic church, that—

"Unprincipled judges serving as political puppets and the trend of legal theory away from the natural law toward pragmatism are reasons for a growing distrust of the judiciary."

The same clergyman is quoted as saying that attacks on the courts are only a phase of an increasing denial of the God-given rights of man, which is leading to social chaos.

## Preventing the Frivolous Demurrer

By Robert W. Kenny, Judge of the Superior Court

THERE have been many experiments in the legal history of our State designed to prevent the filing of frivolous demurrers for purposes of delay but this writer submits that none of them have been notably successful.

How about the certificate of good faith that is now required? Well, let's see. During the months of July, August and September, in the Law and Motion Department of the Los Angeles County Superior Court, there were 302 demurrers sustained; 332 were over-ruled. Without implying that all demurrers over-ruled are frivolous, nevertheless, it would seem that a lot of frivolity crept past the safeguard of the good faith certificate.

As to the requirement that points and authorities must be filed with the demurrer, it is sufficient to point out that this requirement is technically met by citing Sec. 430 C. C. P., and in about half the demurrers filed in this county, that is the only point or authority ever cited.

It seems to this writer that the original framers of the Field's Codes had the best remedy for the frivolous demurrer when they provided in Sec. 472 C. C. P. (now Sec. 472a C. C. P.) that:

"A demurrer is not waived by an answer filed at the same time. When the demurrer to a complaint, or cross-complaint, is overruled, and there is no answer filed, the court may, upon such terms as may be just, allow an answer."

### INTENT OF FRAMERS

This obviously demonstrates that the original intent of the code commissioners was to say in effect to defense counsel: "Go ahead and demur but you are not going to get any additional time by doing so, because you will have to have an answer on file at the time the court rules on the demurrer. Then if the court overrules your demurrer, the case is immediately at issue on the answer filed. But it is going to be a risky business if you attempt to delay bringing the case to issue by just filing a demurrer without an answer. You will be all right if your demurrer is sustained, but if it is overruled and you have no answer on file, your right to file an answer will be up to the sound discretion of the court and you may be in the position of having a judgment entered up forthwith."

This sound rule which is still in our codes seems to have been over-looked in past years. Counsel assume that they have ten days to answer a complaint as a matter of right when their demurrer is over-ruled. That nothing is further from the truth is well illustrated by the following quotation from the recent case of *Private Investors vs. Homestake Mining Co.*, 11 C. A. (2d) 488, (hearing denied by Supreme Court). At page 492 the court said:

"There is no absolute right to answer over in any civil case." At page 493 the court said:

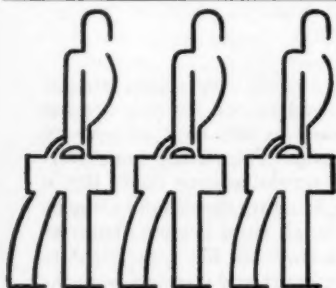
"Section 472 of the code, and section 67 of the Practice Act, which preceded it, have been uniformly held to confer upon the trial court discretion to grant or deny leave to answer after a demurrer is overruled. In the early case of *Thornton v. Borland*, 12 Cal. 438, Justice Field laid down the rule as follows: 'The court, as a matter of course, regarded the demurrer as frivolous, and overruled it. Proof was then made of the claim of the plaintiff, and judgment rendered in his favor; and the objection made by the appellant is, that leave was not given to

put in an answer. The reply to the objection is found in the statute, which provides that in overruling a demurrer to the complaint, "the Court may, upon such terms as shall be just, and upon payment of costs, allow the defendant to file an answer." (Practice Act, Sec. 67, as amended in 1854.) The allowance rests in the discretion of the court below, subject to review, of course, in case of its arbitrary or unreasonable exercise. The exercise of the power must in a great degree depend upon the special circumstances of each case, and be so governed as to prevent delays and to promote justice. *The party whose demurrer is overruled, ought to be required to obtain leave to answer, to satisfy the court that he has a substantial defense on the merits of the action.'*" (Italics mine.) "In the case at bar, nothing of the kind was done; no application for leave to answer was made, and no possession of any meritorious defense was asserted.' It would serve no purpose to cite the numerous cases which have followed this rule. It is sufficient to say that it has been accepted and approved by all the decisions which have come to our attention."

See also *Seale v. McLaughlin*, 28 Cal. 668; *Barron v. Deleval*, 58 Cal., 95, and *Leavell v. Superior Court*.

#### PENALTY FOR DEMURRING

In the past the superior courts in some counties have fixed their discretion in the matter of allowing a defendant to answer over after demurrer overruled in the form of a fine to be paid the plaintiff by defendant as a condition



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precedent to granting leave. Thus in *Hayes v. Butler*, 25 Cal. App. 743, the trial judge in San Diego County made the following order: "Defendant is permitted to answer within ten days upon terms of payment of ten (\$10) dollars to plaintiff or his attorneys." The defendant attempted to file an answer without making such conditional payment, and upon the refusal of the clerk to file the same, he brought a writ of mandate against the clerk. The District Court of Appeal denied the writ of mandate, upholding the right of the court to impose such a payment as a condition of answering after the expiration of time given by law therefor.

In *People v. McClellan*, 31 Cal., 101, the District Court of Placer County imposed a \$20 charge to be paid to the plaintiff. However, in that case the defendant had filed an answer with his demurrer and it was held to be error to strike the answer when the \$20 was not paid after the demurrer was overruled.

#### SUGGESTED RULE

Of late years the principle of 472a C. C. P. seems to have fallen into innocuous desuetude. But for the purpose of at least reviving its memory, I wonder how the bar of this county would take to a court rule something like the following:

"Proposed Rule.—If no answer is filed with the demurrer to the complaint, and the demurrer is overruled, and the plaintiff makes a request therefor, no leave to file an answer will be granted unless defendant first files an affidavit in the form prescribed by 437c C. C. P., showing the existence of a substantial defense to the action."

I believe that this rule would undoubtedly cut down the number of unmeritorious demurrers filed for the purpose of gaining additional time, since if an answer had to be filed at the time the demurrer was put in, no time would be lost to the plaintiff in bringing his case to issue. Defendants without good defenses would not resort to the demurrer at all unless they filed an answer contemporaneously, because their defense would be scrutinized as on a motion for summary judgment if they were required to put in the affidavit suggested by the rule.

I do not speak as an enemy of the demurrer but as friend who seeks to preserve its good name and keep it out of the by-ways of delay. It never should be anything but an instrument to test the legal sufficiency of a pleading.

### ***Proposed Amendment to Section 7 of the Direct Primary Law***

The following proposed amendment to the Direct Primary Law has been approved by the Board of Trustees and will be placed before the Legislature:

Subdivision 4 of said Section 7 shall be amended as follows:

By the insertion of a semi-colon after the last words of Subdivision 4 instead of a period and the following:

" ; except as provided in Subdivision 9 below."

Subdivision 9:

"A filing fee of \$125.00 shall be paid to the County Clerk or Registrar of Voters in any county or city and county when the declaration of any candidate for the office of superior court judge to be voted on is wholly within one county or city and county is filed with such County Clerk or Registrar of Voters."

## Proposals of 1936 Committee on Probate Law and Procedure

THE Committee on Probate Law and Procedure has submitted, and the Board of Trustees has approved, certain amendments to the Probate Code which will be presented to the Legislature at its coming session. The recommended amendments to old sections and new sections are hereinafter set out. Additions to existing sections are shown in italics, and deletions are indicated by lines or words enclosed in brackets, striking the language as now contained in such sections.

The report, as approved by the Board is as follows:

That Section 541.5 of said Code be amended to read as follows:

"Sec. 541.5. Executor, etc., to be allowed cost of bond. Every executor or administrator *or special administrator*, furnishing a surety bond *in order to comply with the provisions of any section of this code requiring the furnishing of a bond*, shall be allowed the cost of such surety bond for every year it remains in force."

That Section 930.5 Probate Code be repealed.

*Secs. 541.5 and 930.5:* Some Judges have held that these sections apply only to the original bond furnished by an executor or administrator upon qualifying, and do not provide for the allowance of the cost of other surety bonds. The situation needs clarifying. The Committee believes the proposed amendment to Sec. 541.5 and the repeal of Sec. 930.5 will accomplish this purpose.

Sec. 930.5 Probate Code reads as follows:

"Executor or Administrator allowed cost of bond. The executor or administrator shall be allowed the cost of his bond, not exceeding one-half of one per cent. of the amount of the bond for each year it remains in force. (New section added June 16, 1933; Stats. 1933, p. 2494)."

That a new section be added, to be known as Section 578a and to read as follows:

"Sec. 578a. Whenever it shall appear to be to the advantage of the estate for the executor to consent to any reorganization of any firm, corporation or organization in which the decedent owned stock, shares, or any other interest, the Court may authorize such consent by the executor or administrator, or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code."

Sec. 578a. New. At present there is no section of the Code that specifically covers this subject. A majority of the members of the Committee were of the opinion that Section 588 was not broad enough to cover it. The commissioners of the local Probate Court were in favor of the adoption of the proposed new section, for the purpose of removing doubt.

Sec. 588 Probate Code reads as follows:

"Sec. 588. Court may direct administration. In all cases where no other or no different procedure is provided by statute, the court on petition of the executor or administrator may from time to time instruct and direct him as to the administration of the estate and the disposition, management, operation, care, protection or preservation of the estate or any property thereof. Notice of the hearing of such petition shall be given for the period and in the manner required by section 1200 of this code.—1935;"

That Section 645 be amended to read as follows:

"Sec. 645. Assignment to widow. Title after Assignment. Restriction. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances of record at the date of the death of the decedent does not exceed the sum of two thousand five hundred dollars, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the widow of the decedent, if there be a widow, or, if there be no widow, then to the minor child or children of the decedent, if any, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in the widow, if there be a widow, or if there be no widow, in the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. [But no widow or minor child having other estate of five thousand dollars in value shall be entitled to such an assignment.] *But no widow or minor child having other estate of a net value of \$5,000.00 or more over and above all liens and incumbrances of record at the date of the death of the decedent shall be entitled to such assignment.*"

That Section 646 be amended to read as follows:

"Sec. 646. When no assignment to be made. If the court finds that the net value of the estate exceeds two thousand five hundred dollars, or that the widow or minor child has other estate of five thousand dollars in net value, or that there is neither a widow nor minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner."

*Secs. 645, 646:* As the sections now stand, if the widow or minor child has property of the value of \$10,000.00, subject to a mortgage of \$7,500.00, the Court, in the opinion of many, could not make the order provided for in Section 645. The amendment suggested would allow the widow or minor child to have property of the net value of \$5,000.00 and take advantage of the provisions of Section 646. We believe this to have been the intention of the Legislature when the sections were first passed.

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That, in order to conform to the opinion in the case of *Estate of Weaver*, 84 Cal. App. Dec. 681, Section 752 be amended to read as follows:

"Sec. 752. Order of abatement of legacies. Unless a different intention is expressed in the will, abatement takes place in any class only as between legacies of that class, and legacies to a spouse or to kindred [are chargeable] *shall abate* only after legacies to persons not related to the testator."

Sec. 752: The amendment to this section is recommended to correct an evident misuse of words.

That Section 770 be amended to read as follows:

"Sec. 770. Perishable and depreciating property. Perishable property and other personal property which [will] *is likely* to depreciate in value if not disposed of promptly, or which [will] *is likely* to incur loss or expense by being kept, and so much other personal property as may be necessary to provide the family allowance pending the receipt of other sufficient funds, may be sold without notice, and title shall pass without confirmation; but the executor, administrator or special administrator is responsible for the actual value of the property unless, after making a sworn return, and on a proper showing, the court shall approve the sale. *If the executor, administrator or special administrator makes a sworn return of any such sale, the notice of the hearing of said return and petition for approval shall be given in the manner provided by Section 1200 of this code, but the court or judge may order the notice to be given for a shorter period or dispensed with.*"



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*Sec. 770:* Seldom can one state definitely that property of an estate *will* depreciate. But one can form an opinion as to whether the property *is likely to* depreciate. It is believed the proposed amendment will have a tendency to lessen disputes and make the section applicable to a wider variety of property.

That Section 772 be amended to read as follows:

*Sec. 772.* Other personal property. Except as provided by sections 770 and 771 of this code, personal property may be sold only after public notice given for at least ten days by a notice[s] posted in [three] *one* public place in the county in which the proceedings are pending, or by publication in a newspaper in such county, or both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order."

That Section 780 be amended to read as follows:

"*Sec. 780.* Notice and Publication of Sale. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, for two weeks before the day of sale, or, in the case of a private sale, before the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisal that the value of the property to be sold does not exceed five hundred dollars, the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale in [three] *one* of the most public places in the county in which the land or some portion thereof lies for two weeks before the day of the sale, or, in the case of a private sale, before the day on or after which the sale is to be made. The property proposed to be sold must be described with common certainty in the notice."

*Secs. 772 and 780:* No useful purpose is served by requiring notices to be posted in *three* public places.

That Section 830 be amended to read as follows:

"*Sec. 830.* Authorization to Borrow Money, Etc. Whenever it shall appear to be to the advantage of the estate to borrow money upon a note or notes, either unsecured, or to be secured by a chattel mortgage or other lien upon the personal property of the decedent, or any part thereof, or to be secured by a mortgage or deed of trust upon the real property of the decedent; or any part thereof, or to mortgage or give a deed of trust upon, or to pledge or give other lien upon, such property or any part thereof, in order to pay the debts of the decedent, or legacies, or expenses or charges of administration, or to pay, reduce, extend or renew some lien or mortgage or deed of trust already subsisting upon property of the estate, and as often as occasion therefor shall arise in the administration of the estate, the court may authorize, empower and direct the executor or administrator to borrow the money and to execute such note or notes, and, in the proper case to execute such mortgage, or deed of trust, or to give other security by way of pledge or other lien or may authorize in a proper case the execution of an extension agreement. When property of the estate

consists of an undivided fractional *or other* interest in real or personal property and it shall appear to be to the advantage of the estate to borrow money in order to improve, utilize, operate or preserve such property jointly with the other co-owner or co-owners, or in order to pay, reduce, extend or renew some pledge, lien, mortgage or deed of trust already subsisting upon all such property, including the other undivided interest or interests therein, the court may authorize, empower, and direct the executor or administrator to borrow the money required for such purposes and to join with the owner or owners of the other undivided interest or interests in the property, or their duly authorized representatives or agents, in the execution of such joint and several note or notes as may be necessary, and to join with the owner or owners of the other undivided interest or interests in the property, or their duly authorized representatives or agents, in the execution of such pledge, lien, mortgage or deed of trust as may be required to secure the payment of such note or notes. To obtain such orders, the proceedings to be taken and the effect thereof shall be as provided in the following sections of this article."

*Sec. 830:* The purpose of this amendment is to make the section cover *other interests* in property in addition to undivided fractional interests.

After the Committee adjourned, a suggestion was submitted to the Chairman of the Committee that Section 860 be amended to read as follows:

"Sec. 860. Mode of Authorizing. Whenever it shall appear to be to the advantage of the estate to exchange any property of the decedent for other property, the court may authorize such exchange, upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by section 1200 of this code. *The executor or administrator, when so authorized by the court, may receive or pay cash in an amount necessary to equalize the values of the properties exchanged; provided, however, such amount of cash shall not exceed 25% of the value of the property of the decedent being transferred according to an appraisal thereof made within one year of the time of such exchange.*"

That the title to Article IV of Chapter 14, Division 3, be amended to read as follows:

#### "ARTICLE IV

##### Exchange of [Real] Property

##### Sec. 860 Mode of authorizing."

*Art. IV, Ch. 14, Div. 3—Sec. 860:* As there is no separate provision for the exchange of real and personal property, the title to this Chapter should be amended to avoid confusion.

Many times an exchange only can be effected if some money is paid to equalize values. In several instances, in order to complete an exchange of real property, an executor has had to purchase bonds to be delivered as part consideration so that there actually would be an exchange of property and thus satisfy a title company.

That Section 1480 be amended to read as follows:

"Sec. 1480. Oath and bond. Before the order appointing a guardian takes effect, and before letters issue, the person appointed must take an oath, which must be attached to or endorsed upon his letters, that he will perform the duties of his office as such guardian according

to law, and, except as otherwise provided in this division, must furnish a bond to [the] *each* ward, with two or more persons or an authorized surety company as surety, to be approved by the judge, and in such sum as required by the order, which sum shall be not less than twice the value of the personal property and twice the value of the probable annual rents, issues and profits of all property belonging to the *respective* wards, or, when the bond is given by an authorized surety company, not less than the value of the personal property and the probable annual rents, issues and profits of all property belonging to the *respective* wards, and conditioned that the guardian will faithfully execute the duties of his trust according to law."

That Section 1482 be amended to read as follows:

"Sec. 1482. Additional bond on real property transactions. Before any sale of real property is confirmed, or any mortgage or deed of trust is authorized by which money is to be raised, the guardian must furnish such additional bond to the *respective* wards as shall be required by the court, with two or more persons or an authorized surety company as surety, to be approved by the judge, in order to make the total penalty of the guardian's bonds to his wards equal to that required by section 1480 of this code, taking into account the proceeds of the sale or mortgage or deed of trust."

*Secs. 1480 and 1482:* There should be a separate bond for each ward.

The statute does not now so provide.

That Section 1531 be amended to read as follows:

"Sec. 1531. Conversion of Property for Purpose of Investment. When it will benefit a ward to sell any of his real or personal property and to put out the proceeds at interest or invest the same in some productive stock or bonds, or in the improvement or security of any other real property of the ward, his guardian may sell the same for that purpose, subject to confirmation by the court as hereinafter provided, *except in the case of stocks and bonds, the order for the sale of which may be obtained as provided in section 771 of this code.* The order confirming the sale, or authorizing the sale of stocks or bonds, must specify the particular disposition to be made of the proceeds, or it may direct the deposit of the whole or any portion thereof in a savings account with one or more banks, in which case the money so deposited may be invested from time to time under further directions of the court."

*Sec. 1531:* The amendment to this section will provide the same procedure for the sale of stocks and bonds by guardians as is now provided with respect to the sale of such securities belonging to the estates of decedents.

That Section 1532 be amended to read as follows:

"Sec. 1532. Terms of sale. All sales must be for cash and for part cash and part deferred payments, [the credit in no case to exceed three years from the date of sale, and] the terms being subject to the approval of the court. When real property is sold upon deferred payments, the guardian must demand and receive from the purchasers, notes, and a mortgage or deed of trust on the property sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon."

That Section 1533 be amended to read as follows:

"Sec. 1533. Borrowing Money, Refinancing and Repairing Property. A guardian may borrow money, with or without giving security, when it will benefit his ward, and, in addition to the contingencies mentioned in section 1530, of this code, may mortgage real or personal property, or give a deed of trust upon real property, of the ward, in order to pay, reduce, extend or renew some lien or mortgage or deed of trust already subsisting on property of the ward, or to erect, alter or repair building or other structures upon, or otherwise to improve, the property proposed to be mortgaged or subjected to a deed of trust, or some part thereof. When property of the ward consists of an undivided fractional or other interest in real or personal property, and it shall appear to be to the advantage of the ward to borrow money in order to improve, utilize, operate or preserve the same jointly with the other co-owner or co-owners or in order to pay, reduce, extend or renew some lien, mortgage or deed of trust already subsisting upon all such property, the guardian may join with the owner or owners of the other undivided interest or interests in the property or their duly authorized representatives or agents in the borrowing of the money and in the execution of such joint and several note or notes for such sum or sums as may be required for such purposes, and join with the owner or owners of the other undivided interest or interests in the property or their duly authorized representatives or agents in the execution of such lien, mortgage or deed of trust as may be required to secure the payment of such note or notes. Upon any foreclosure or sale under any

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such lien, mortgage, or deed of trust, if the proceeds of the sale of the encumbered property are insufficient to pay the note or notes, the lien, mortgage or deed of trust, and the costs or expenses of sale, no judgment or claim for any deficiency shall be had or allowed against the ward or his property."

*Sec. 1533:* The purpose of this amendment is to make the section cover *other interests* in property in addition to undivided fractional interests.

The personnel of the Committee submitting the above recommendations is as follows: Arnold Praeger, Chairman; Elmo H. Conley, Mae Carvell, Clemence Brown, David Tannenbaum, Ernest R. Purdum, Olin Wellborn III, Herschel B. Green, Maurice Norcop, Robert F. Schwarz, Eugene M. Elson, Secretary.

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## *Australian Bar's Fidelity Funds*

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A voluntary tax upon attorneys in New South Wales, to establish a fund out of which losses will be made good to clients of defaulting members of the Bar, is the unique plan of the lawyers in that progressive state. The fund is to be known as the Solicitors' Fidelity Guaranty Fund, to be created by a tax of from \$15.00 to \$50.00 on each member of the profession in the state. In recent years, it is said, there have been a number of defaults by lawyers, and it is proposed to use the fund to make good such defaults. New Zealand has had such a fund for several years.

In order to enable the fund to accumulate to the point where it will be of some use, no more than \$25,000 may be claimed against any one lawyer for the first ten years, after which the limit will be \$50,000.

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## *Nominations for 1937 Bar Officers*

The Nominating Committee, appointed at the November meeting of members, has presented the following report to the Board of Trustees:

Your Nominating Committee, consisting of Messrs. Leonard B. Slosson, Ray Chesebro, Julius V. Patrosso, Thomas C. Ridgway, Jack W. Hardy, Harry J. McClean, Lester Roth, Arnold Praeger, Chandler P. Ward, Warren E. Libby, Charles E. McDowell, William C. Mathes, Isaac Pacht, David Tannenbaum, William Hazlett, met pursuant to a call of the Secretary of the Association at the office of the Association at 12:30 o'clock P. M., November 24, 1936. Messrs. Slosson, McDowell and Pacht being absent. The Committee elected Mr. Warren E. Libby chairman, and Mr. Jack W. Hardy secretary and immediately proceeded to consider nominees and ballot.

As a result of the deliberations of your Committee, after due discussion of the names of some fifteen nominees proposed to fill the various vacancies of the Board of Trustees and Officers, the Committee has unanimously made the following nominations for Officers and Trustees for the year 1937-38.

President—Mr. Loyd Wright.

Senior Vice-President—Mr. Frank B. Belcher.

Junior Vice-President—Mr. Allen W. Ashburn.

Trustees from among active members of the Association:

Mr. T. W. Robinson.

Mr. George Breslin.

Mr. Charles E. McDowell.

Mr. J. C. Macfarland.

Trustees from among affiliated members of the Association:

Mr. James E. Pawson, Long Beach.

Mr. Richard K. Gandy, Santa Monica.

Respectfully submitted,

WARREN E. LIBBY,  
Chairman.

Those, whose terms of office do not expire and who will serve with the above for 1937, are as follows:

Trustees: Herbert Freston, Ewell D. Moore, Herman F. Selvin, Walter Dunn and Vernon Spencer.

## *A. B. A. Condemns "Good Will Court"*

TWO committees of the American Bar Association met in Chicago a few days ago and framed comments on a radio program entitled "Good Will Court," sponsored by a national broadcaster over the national network of a large broadcasting company.

The committees were the organization's committee on professional ethics and grievances and on unauthorized practice of law, the former headed by Robert T. McCracken of Philadelphia and the latter by Stanley L. Houck of Minneapolis.

Other members of the committee on professional ethics and grievances concurring in that group's report were Herschel W. Arant, Columbus; Philbrick McCoy, Los Angeles; Orie L. Phillips, Denver; Arthur E. Sutherland, Rochester, N. Y.; Albert B. Houghton, Milwaukee, and Henry Bane, Durham, N. C. Mr. McCoy wrote the opinion.

Concurring with Mr. Houck in the report of his committee were Edwin M. Otterbourg, New York City; Edmund B. Shea, Milwaukee; George E. Brand, Detroit, and Fred B. H. Shea, Milwaukee. Mr. Houck prepared the opinion of this committee.

The opinion of the ethics committee is as follows:

**JUDICIAL ETHICS—RADIO BROADCASTS**—The participation by a judge, or the use of his name in a commercially sponsored radio program purporting to be for the benefit of the public through the giving of legal advice to indigent persons is contrary to the standards of behaviour prescribed by the Canons of Judicial Ethics.

**PROFESSIONAL ETHICS—DUTIES OF ATTORNEYS.**—It is improper for a former judge or an attorney to participate in, or permit the use of his name in a commercially sponsored radio program purporting to be for the benefit of the public through the giving of legal advice by a judge to indigent persons.

The opinion of the committee on unauthorized practice of law was presented and thereafter the following resolution was adopted:

"RESOLVED, that the committee on Unauthorized Practice of the Law of the American Bar Association unqualifiedly disapproves and condemns, as being contrary to the public interest, inimical to the public welfare and an obstruction and interference with the processes of justice, all radio broadcasts as a part of which attempts are made to give legal advice, to answer questions seeking legal advice, or to accomplish the equivalent thereof by means of fictitious and unreal court room scenes or simulated trial procedure, and urges that all suitable and proper efforts be made to prevent the continuance thereof or of anything substantially similar thereto.

## Trust Deeds in Colorado

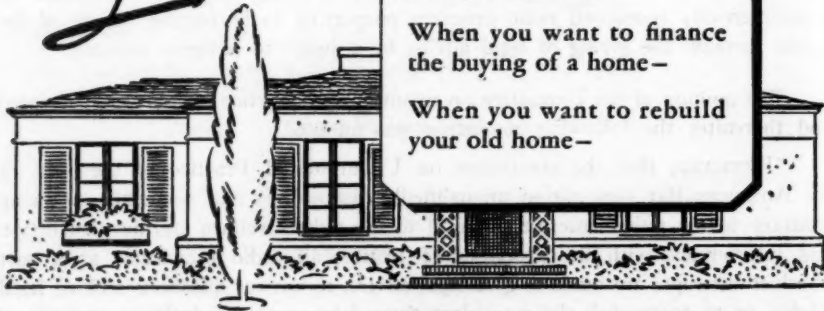
**A**N exhaustive article on the status of Trust Deeds in Colorado appears in the current issue of the Bulletin of the Denver Bar Association. This article is of particular interest to those who have hoped that the iniquity of absolute sales under powers of sale might eventually be abolished in California by the creation of a statutory period of redemption as in the case of sales under execution.

Prior to 1894 Trust Deed foreclosures in Colorado enjoyed immunity from statutory restraints. The sale was absolute and not subject to any period of redemption. The mortgage, with the equitable restraints upon foreclosure originally developed in chancery and later embodied, with extensions, in statutory provisions, was being largely displaced by this invention designed to circumvent the salutary restraints which had been thus created for the protection of the debtor. The general use of the Trust Deed—in its essence a mortgage with power of sale *coupled with an interest*—had in the main been brought about through the free distribution of printed forms as in California in more recent years.

In dealing with this situation the Colorado legislature acted with wisdom and discernment. By the Act of 1894, which still stands unimpaired in its essential features, the office of Public Trustee was created in every County of the State, and it was provided that from and after the passage of the Act all Deeds of Trust given to secure indebtedness of any kind shall name as Trustee such Public Trustee, and that any Deed of Trust that shall name any other person as Trustee shall be deemed and taken to be a mortgage and foreclosed only as mortgages are foreclosed in and through the Courts. Thus, only the Public Trustee is made competent to exercise the power of sale conferred by a Trust Deed. The Act also prescribes the various successive steps to be taken in the proceedings for the foreclosed in and through the Courts.

F. N. A.

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## *Bar Association's Masque and Revel*

ON Saturday night, December 19, at the Ambassador Hotel, the Association Masque and Revel will be held. It will be a revival of the gay, charming and hilarious antics of the ancient Inns of Court of Merrie England.

For many years Los Angeles lawyers gathered together at Christmas time, fraternized with their judges and renewed friendships, just as has been done for over five hundred years by the benchers, barristers and advocates of the Inns of Court.

The cast has been carefully selected and rehearsed, and the show will be even better than the very excellent one of a year ago. It includes Everett Mattoon, Joe Crider, Jr., Marc Mattson and Judge Clement Nye as philanthropists on a Christmas Eve; Judges Oda Faulconer, May Lahey and Georgia Bullock, as just plain women. Judge LeRoy Dawson is cast as a maverick in serious but hilarious trouble over this robe business.

Others who will have parts in the Masque and Revel are Judge Collier, Ray Files, Jerry Giesler, Lasher Gallagher, Tod Crail, Buz Matthay, Ford Harris, Jr., Bud Mullin, Sid Cherniss, Grant Cooper, Gus Mack, and many, many other popular and well known lawyers and judges.

There will also be music by the Los Angeles Bar Association's orchestra, composed of twenty-two competent musicians, who also happen to be competent lawyers. And then there is the Los Angeles Bar Association's Quartette and other musical specialties.

The Ambassador has promised a traditional Christmas feast with the possible exception of the boar's head, and maybe that will show up.

Our Christmas entertainment is traditional as the highlight of social and fraternal affairs. Last year the Ambassador Fiesta Room bulged and the cheers for Bardell v. Pickwick rang to the welkin—whatever that is. This year, if the welkin is still doing business it is going to know what real ringing is.

Fair warning—get in those reservations.

REX HARDY, *Master of the Revel.*

## America's First Law School



*The Litchfield Law School, 1775-1833*

NESTLED serenely among the trees at Litchfield, Conn., this little building nearly 150 years old, is the first structure dedicated to the teaching of law in this country. Established in 1775 by Tapping Reeve and carried on by him and his pupil, James Gould, it flourished from the beginning of the American Revolution into the second quarter of the nineteenth century, and was the outstanding school in the country devoted to training for the legal profession.

In an interesting pamphlet written by Samuel M. Fisher, of Litchfield, for the Tercentenary Commission of the State of Connecticut, the history of America's first law school is traced from its beginning.

"Although not connected with any college," says Mr. Fisher's article, "it was, during these early years of the nation, the outstanding school in the country devoted to training for the legal profession. Since it was dependent on the personalities of its two proprietors, their retirement from its management ended its existence.

"In 1774 Aaron Burr, recently graduated from the College of New Jersey, was studying for the ministry in Bethlehem, Conn., under Doctor Joseph Bellamy, an outstanding figure in the Congregational Church. Burr was planning to follow in the footsteps of his father, the Rev. Aaron Burr, and of his grandfather, the Rev. Jonathan Edwards, both of whom had served as presidents of the infant college of Princeton. \* \* \* Burr left Bethlehem and in 1775 went to Litchfield to be near his only sister, Sally, the wife of Tapping Reeve,

and became all unwittingly the first of a long line of young men to obtain their legal training there. \* \* \*

"Young men at this time obtained their legal education by serving clerkships in the offices of lawyers whose ability impressed them. The pupils received little or no oversight in their reading, and learned only a few forms with little substantive law. \* \* \*

"About 1782 he (Tapping Reeve) commenced the delivery of a series of formal and connected lectures—lectures which, in the absence of readily accessible text books and reports, were intended to embrace the whole field of the law, and became veritable mines of legal lore for the would-be attorneys."

Concerning the little building pictured above, Mr. Fisher says:

"This little building, the first structure in the country dedicated to the teaching of law, has had a varied career since the death of its first owner. In 1849 it was laboriously drawn by several teams of oxen to West Street to be incorporated in a dwelling. Many years later it was separated from the house to which it had been joined, and was pulled by horses to a site on East Street, near the building of the Litchfield Historical Society, where its arrival was duly celebrated by appropriate ceremonies and addresses. After serving for several years as a Woman's Shop, it continued its travels, in 1930, under the propelling power of a motor-truck, back to its original location on South Street. Thus, during its life of nearly 150 years, it has served as law school, residence, and shop, and in each of its three journeys has used the locomotive forces common to the period."—E. D. M.

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## *"With the Board of Trustees"*

**MEMORIAL TO THE LATE JUSTICE NATHANIEL P. CONREY:** President Lyman presented a letter from Honorable William H. Waste, Chief Justice of the Supreme Court of the State of California, which suggests that the Association present to the Court on December 1, 1936, a memorial to Justice Nathaniel P. Conrey.

The Chief Justice further suggested that Former Chief Justice Myers, Former Justice Finlayson, and Justice Curtis D. Wilbur, of the United States Circuit Court, be appointed a committee to draft and present the resolution. It was so ordered.

**THE ASSOCIATION PROFFERS ITS ASSISTANCE TO GOVERNOR MERRIAM:** The following resolution was adopted on November 13, 1936:

Whereas, the Los Angeles Bar Association is very much concerned with judicial appointments, and

Whereas, it is the firm conviction of the members of the Board of Trustees of Los Angeles Bar Association that this Association, through its Committee on Judicial Candidates and Campaigns and its Board of Trustees, can be of inestimable benefit in advising the Governor of the State of California concerning the qualifications of persons being considered for appointment,

Now, Therefore, Be It Resolved, that the Association shall communicate with the Governor of this State for the purpose of tendering to him the assistance of the Association in connection with the appointment of judges to vacancies which occur from time to time in the local courts, and

Further, that we respectfully urge the Governor to avail himself of the assistance of the Association in making selections.

It was, by common consent, agreed that Mr. Loyd Wright, Mr. Allen Ashburn and Mr. Frank Belcher shall draft the communication to the Governor.

**RE MEMBERS SERVING AS JUDGES PRO TEMPORE:** Honorable Fletcher Bowron, Presiding Judge of the Superior Court of Los Angeles County, having verbally requested the Board of Trustees to furnish him with a list of members of the Bar who will serve as Judges Pro Tempore, it was voted that Judge Bowron's attention be respectfully invited to a list which was furnished the Court some time ago of approximately 200 members of the Association who agreed to serve if called upon.

**RE PUBLISHING NAME OF SUPERIOR COURT JUDGE ON CALL:** On November 4, 1936, the Board of Trustees communicated with Honorable Fletcher Bowron, Presiding Judge of the Superior Court, and advised him that the Association would each week cause to be published in the legal papers the name, address and telephone number of the judge assigned to emergency duty, upon this information being furnished to the Association each week.

There was today presented to the Board a letter from Judge Bowron under date of November 7, 1936, which places this matter in abeyance.

**SUSPENSION OF DELINQUENT MEMBERS:** Article V, Section 4 of the By-Laws provides:

"Any member failing to pay his annual dues within six months after the date when the same became due may be suspended by the Board of Trustees after notice, and shall only be reinstated upon payment of all dues or upon remission thereof by the Board of Trustees."  
The following resolution was unanimously adopted:

Resolved, that each dues-paying member who has not paid his annual dues for the year 1936, of the Los Angeles Bar Association shall be notified on or about December 1, 1936, that the Board of Trustees regrets to inform him that unless his dues are paid on or about December 15, 1936, the Association shall be compelled, in accordance with the By-Laws, to remove his name from the active list.

**TREASURER'S REPORT:** Mr. T. W. Robinson rendered a report which shows that on November 20, 1936, the Association had a balance of \$622.23 in the treasury.

**REPORT OF CIVIL TRIAL WORK OF SUPERIOR COURT OF LOS ANGELES COUNTY:** Vice-President Wright presented a communication under date of November 17, 1936, from the Special Committee of Judges of the Superior Court of Los Angeles County, and also presented a special report relating to the civil trial work of the Superior Court of Los Angeles County covering the fiscal years 1927 to 1936.

The communication from the Judge's Committee requests that a report be placed in the hands of a special committee with whom the Judge's Committee may meet for the discussion of any action which may appear to be advisable.

It was voted that Trustees Belcher, Smith and Selvin shall be requested to serve as a committee of the Board to meet with the Judge's Committee, and that the Judge's Committee shall be advised that the Board's Committee awaits their pleasure.

**MUNICIPAL COURT JURORS:** Mr. Vernon P. Spencer reported that he had

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recently had occasion to observe jurors serving in the Municipal Court, and that there were only 4 men in a panel of 65 or 75 jurors.

This matter was discussed and it was voted that the Chairman of the Board of Trustees shall appoint a special committee to confer with the proper officers of the Municipal Court with a view to improving the situation involved.

Messrs. Vernon P. Spencer, Ned Marr and Richard E. Davis were appointed as the Committee.

•

Hon. John Perry Wood was chosen by the Board as delegate of the Los Angeles Bar Association to the House of Delegates of the American Bar Association for a term of two years. A meeting of the House of Delegates has been called for January at Chicago.

•

The January monthly meeting of members of the Association will be arranged and conducted by the Junior Barristers.

•

A communication from Mr. Raphael Dechter concerning the advisability of providing some method of review of the decisions of the Appellate Department of the Superior Court was referred to the Committee on Pleading and Practice for consideration and to make recommendations to the Board.

•

Mr. Charles Holloper addressed a letter to the Board urging the amendment of Sec. 1986, C. C. P. so as to eliminate the requirement of process of two courts when a party in an inferior court desires to take a deposition. The matter was referred to the Pleading and Practice Committee which will report upon its advisability.

♦

## ***Trial Practice is a Specialty***

WHILE the lawyer engaged in "general practice" is needed, and always will be, nevertheless there are specialties in the law as well as in medicine. No sensible person will ask his family physician to perform an operation; surgery is a specialty. Possibly the day may come when the same rule will prevail in the law; but at present anybody admitted to the bar, in this country, may venture to try any sort of case in any court. Since this is the situation, it may not be considered an unfriendly act to call attention to the exacting demands of court practice, with the hope that it may help to adequate preparation for trial.

One of our Superior Court judges who had been long on the bench, was once asked for his opinion regarding the slow progress in trial procedure; speaking from observation and experience, he unhesitatingly answered that, "most lawyers come into court with their cases unprepared." If there is any dissent from this opinion we have never heard it. Doubtless it can be explained and measurably excused. Not all lawyers are lazy; they are subject to constant interruption in their offices, the jingling telephone, the clients that call, the friendly visitor; a whole day may pass filled with interruptions. And it may be the very day the lawyer had set apart to prepare for the court room!

But the demands of the trial scene are inexorable. The facts must be known, not guessed at. After he has heard his own witnesses, and taught them to fix their attention on the material facts, the question arises, "What testimony may be expected from the opposing witnesses?" and when every possible means for ascer-

taining the facts are exhausted, the trial lawyer must determine the order of testimony, the grouping of witnesses, and endeavor to visualize the entire proceeding. Unless the facts are few and simple, a brief of the testimony is as important as the law brief where there are questions of law.

#### PSYCHOLOGY

How many attorneys have time to study court room psychology? First, one should have the right mental attitude himself; polite, friendly, and with something of expectant faith he enters the court room. There are the judge, the clerk, the bailiff, opposing counsel, the witnesses, perhaps the jury, and the spectators. The attorney should covet a favorable atmosphere, which is the composite of all these and their reactions to their surroundings. One need not believe in telepathy to know that there is a climate of opinion wherever two or three are gathered together, and this should be invoked in every case.

After chastising his wayward son, an irate parent paused and said, "Now vat you tink? you tink tam it! and I lick for dat!" The lawyer conducting a case must not permit such a thought to enter anybody's mind. The judge may not be a Story or a Marshall, but he is a human being with a human mind; the clerk is often himself a member of the bar, with a rich background of observation and experience; and the bailiff may be a student of law, of human nature, a man of varied experience and capability. Their general attitude of friendly interest will help any cause or defense. And the jury—they must be wooed and won.

But it is in cross-examining opposing witnesses that the skill of the specialist is chiefly in demand. He has missed his opportunity and issued an invitation to disaster if the trial lawyer has not studied the witness as well as heard his testimony. Judges uniformly say that most cross-examination is a huge futility, or worse; that it strengthens the adversary's case. Not only so, but it mercilessly protracts the time of trial, clutters things up generally, lays a foundation for exceptions on appeal, and congests the calendar.

Skill in trial lawyers expedites judicial procedure; the opposite impedes it, and instead of clarifying, clouds the issues. Not every lawyer at the bar can hope to become a Choate or a Webster, but every one can vastly improve his skill by sedulous study, cultivation, and experience. Thus only can he justly claim the approbation of clients and the public, or even of his own conscience, and become recognized by his brethren at the bar as a worthy and well qualified member of the profession.

F. G. T.

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## Unauthorized Practice News

STANLEY B. HOUCK, Chairman of the American Bar Association's Committee on Unauthorized Practice of the Law, summarized the central theme of the session on Unauthorized Practice, held at the regional meeting of the American Bar Association in Kansas City on October 10th, in the following language:

"Where reposes the leadership, and the responsibility, in the Judicial Department of our Government to see that justice is suitably administered and that every agency entrusted with the doing of justice is functioning solely to that end?

"If a Justice of the Peace becomes a mere employee, or an office adjunct, of a collection agency, if the constable is put upon the payroll of such an agency and hence practically ceases to function as a public officer, if the compensation of both becomes a 'guaranteed salary' instead of the remuneration fixed by law, if thereby all semblance of effort to do impartial justice disappears, whose is the duty of correction?

"Is the responsibility for action only upon the bar association? And is the instrumentality only litigation, instituted and conducted oftentimes under highly unfavorable circumstances, and by those whose disinterestedness is impeached and whose motives are attacked and questioned?

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## ONE ATTORNEY'S OPINION

### ★ Which Is Shared by Many

*The following letter, recently received  
and now in our files, speaks for itself.*

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Eighth and Hill Streets,  
Los Angeles, California

Attention: Mr. Don R. Cameron, Trust Officer

Gentlemen:

In closing the estate of the late Mr. \_\_\_\_\_, permit me to thank you as executor for your cooperation. I have found that "personal service" is more than a mere slogan with you. Your administration of this quarter-million dollar estate, with its many complications, has resulted in savings of time and money to the heirs, and to me, as the attorney.

Very truly yours,

(Signed) \_\_\_\_\_

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"Clearly not! The interest involved is the public interest. The duty and the responsibility to supervise and to insure the appropriate operation of the judicial system and each of its agencies is the public duty to be exercised by public officers—our judges acting as courts, and our attorney-generals acting as the attorney for that great body, the general public."

•

U. S. TREASURY PRACTICE: On Oct. 1, 1936, the Treasury Department issued Circular 230, Revised, governing practice before that department, which lays down very strict rules with reference thereto. Among other things it provides that an agent has the same rights and powers as an enrolled attorney, but he may not draft any instrument conveying real or personal property for the purpose of affecting Federal taxes, or advise a client as to the legal sufficiency of such an instrument or its legal effect upon the Federal taxes of his client; specifically provides that nothing in the regulations shall be construed as authorizing persons not members of the Bar to practice law.

No enrolled person may be connected with an accounting corporation either as officer, employee, or stockholder; no enrolled person shall represent before the department clients of an unenrolled person who is neither an attorney nor an accountant regularly engaged in the practice of accountancy, or who, to the knowledge of the enrolled person solicits business, obtains clients, or otherwise conducts his practice in a manner forbidden under the regulations to enrolled persons.

No enrolled attorney or agent shall solicit, directly or indirectly, employment from persons not clients or friends in matters before the Treasury Department; shall not publish articles or deliver addresses on Federal tax questions in which the name of the firm of which he is a member, or employee, or the address of the writer or speaker is given either by the writer, speaker, announcer, or publisher. However, the regulations do not prohibit the publication of such information concerning contributors of articles as is usually published in such periodicals. The mailing of circulars, letters, or other printed matter to persons not clients or friends of such enrolled persons which contain no direct solicitation of employment but which do include the name and the description of the practice and address of such enrolled person, is prohibited.

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## Bar Trustees Urge Removal of Craig

THE Board of Trustees of the Los Angeles Bar Association by unanimous vote on November 20, 1936, adopted the following resolution urging the removal of Gavin W. Craig by joint resolution of the Legislature at its forthcoming session:

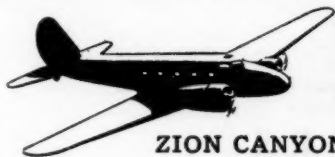
"WHEREAS, on or about March 14, 1935, Gavin W. Craig, an Associate Justice of the District Court of Appeal of the State of California, for Division Two of the Second Appellate District of said State, was indicted by a Federal Grand Jury, and thereafter, on or about May 8, 1935, was convicted in the District Court of the United States for the Southern District of California, Central Division, of the crime of conspiring to obstruct justice, same being the offense charged in said indictment, which said conviction has heretofore been affirmed by the Circuit Court of Appeals for the Ninth Circuit, and a petition for certiorari has been denied by the Supreme Court of the United States thereby rendering said judgment and conviction final and

WHEREAS, pursuant to said conviction and the penalty imposed by the court, the said Gavin W. Craig is now confined in the County Jail of the County of Ventura, California; and

WHEREAS, the said Gavin W. Craig has not participated in the work of the court of which he is a member, or performed the duties of his office, since on or about October 3, 1934; and

WHEREAS, the public interest and proper administration of justice demand that said Gavin W. Craig should be removed from his office.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Los Angeles Bar Association does hereby respectfully request and urge the Legislature of the State of California, at the session thereof to convene on or about January 4, 1937, to take appropriate action to remove the said Gavin W. Craig from office by a concurrent resolution of both houses of the Legislature as provided by Section 10, Article VI, of the Constitution of the State of California."



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## Lawyers and Trust Companies

**STRESSING** the fact that understanding and co-operation between trust institutions and attorneys is the most important factor in administering an estate, Don R. Cameron, Trust Officer of Union Bank & Trust Co. of Los Angeles, recently emphasized the need for harmonious relations between trust institutions and members of the bar.

"Most attorneys of my acquaintance," said Mr. Cameron, "concede that administration of an estate is more a business and financial job than a legal one. The ideal situation is, of course, where both parties realize that the client needs the financial services of the institution AND the legal services of the attorney."

"The essential functions of the family lawyer in drawing wills and trust instruments are peculiarly his own, and are not to be considered as part of the duties of the trust company."

Mr. Cameron referred to a quotation from the "Principles of Trust Institutions", as presented by the Executive Committee of the Trust Division, American Bankers Association, which says in part: "It is a fundamental principle of this relationship (between trust companies and attorneys) that trust institutions should not engage in the practice of law."

Another opinion along the same lines is that of H. O. Edmonds, vice-president of Northern Trust Company of Chicago, and chairman of the Trust Division's Committee on Relations with the Bar, which was also referred to by Mr. Cameron.

"The reasons why a trust company should not draw a will are strong and conclusive", Mr. Edmonds' statement says. "In the first place, the trust company is an interested party . . . and the testator or testatrix should have independent advice in the preparation of the instrument and choosing an executor and trustee."

"Again, quite as important as other considerations, the subject matter of the will is of great importance to the family concerned, and the services of the family lawyer or one most familiar with the testator's affairs and who can be expected to have an eye single to his client's interests, are both desirable and necessary."

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**STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,  
REQUIRED BY THE ACTS OF CONGRESS OF AUGUST 24, 1912, AND  
MARCH 3, 1933.**

Of Los Angeles Bar Association Bulletin, published monthly at Los Angeles, State of California, for October 1, 1936.

State of California, County of Los Angeles—ss.

Before me, a notary public in and for the State and County aforesaid, personally appeared Chester Loomis, Jr., who, having been duly sworn according to law, deposes and says that he is the business manager of the Los Angeles Bar Association Bulletin and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers, are:  
Publisher—Los Angeles Bar Association, 1124 Rowan Building, Los Angeles, Calif.

Editor—Birney Donnell, 511 Citiz. Natl. Bk. Bldg., Los Angeles, California.

Managing Editor—None.

Business Manager—Chester Loomis, Jr., 241 East 4th Street, Los Angeles, Calif.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of the total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.) The Los Angeles Bar Association, an unincorporated association, composed of members of the Los Angeles City and County Bar. Address: 1124 Rowan Building, Los Angeles, California.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages or other securities are: (If there are none, so state.) None.

4. That the two paragraphs next above, giving the names of the owners, stockholders and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is..... (This information is required from daily publications only.)

(Signed) CHESTER LOOMIS, JR.,  
(Signature of business manager.)

Sworn to and subscribed before me this 21st day of September 1936.

[Seal] (Signed) H. L. ST. CLAIR,  
Notary Public in and for the County of  
Los Angeles, State of California.  
(My commission expires March 20, 1939.)

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